

**Zoning Ordinance Approval  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 60  
AGENDA DATE: Thu 08/18/2005  
PAGE: 1 of 1**

**SUBJECT:** C814-01-0038.02 - Parmer/Walnut Creek PUD Amendment #2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1210 West Parmer Lane (Walnut Creek Watershed) from community commercial (GR) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. First reading approved on June 23, 2005. Vote: 7-0. Applicant: Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger). Agent: McLean & Howard, L.L.P. (William P. McLean). City Staff: Sherri Sirwaitis, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C814-01-0038.02

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 1200-1210 Block of West Parmer Lane from GR, Community Commercial District, zoning and PUD, Planned Unit Development District, zoning to PUD, Planned Unit Development District, zoning.

Conditions met as follows:

- 1) Add a 1.792 acre tract (new "Tract 5"), which is currently zoned GR, into the existing PUD;
- 2) On the new Tract 5, allow GR, Community Commercial District, development standards;
- 3) Add Convenience Storage as a permitted use for Tracts 3, 4, and 5 of the PUD;
- 4) Allow GR, Community Commercial District, uses for Tracts 3, 4, and 5.
- 5) Prohibit the following uses on Tracts 3, 4, and 5:
  - a) Automotive Rentals
  - b) Automotive Repair Services
  - c) Automotive Sales
  - d) Automotive Washing (of any type)
  - e) Bail Bond Services
  - f) Congregate Living
  - g) Consumer Repair Services
  - h) Exterminating Services
  - i) Funeral Services
  - j) Off-Site Accessory Parking
  - k) Pawn Shop Services
  - l) Pet Services
  - m) Stables
  - n) Theater
  - o) Residential Treatment
  - p) Urban Farm
- 6) The development should be limited through a conditional overlay to less than 2,000 vehicle trips per day for Tracts 2-5. [LDC, 25-6-117]. Tract 1 is limited to 630 vehicle trips per day as established with the original zoning and prior amendments to the zoning of the property.

The applicant is required to post their pro rata share of an eastbound through lane on Parmer Lane at the Lamar Boulevard intersection prior to approval of any site plans on this property (Tracts 1-5).
- 7) A Convenience Storage use located on Tracts 3, 4, and 5 shall have vehicular access to and from Parmer Lane and North Lamar Boulevard.
- 8) All outdoor lighting shall be hooded, shielded, or screened to minimize the glare and light trespass to the surrounding neighborhood.
- 9) No building on Tracts 3, 4, and 5 shall exceed thirty-five (35) feet in height, unless the structure is a Convenience Storage use, then the maximum height shall be a maximum of thirty-eight (38) feet in height.

- 10) A Convenience Storage use shall be fenced along the north property line of Tracts 3, 4, and 5, along the south property line of Tract 5 and along the east property line of Tract 4.
- 11) The cumulative floor-to-area ratio (FAR) for Tracts 3, 4, and 5 will not exceed 0.7 to 1.
- 12) The cumulative parking required for Tracts 3, 4, and 5 will not exceed the minimum City of Austin Code requirements for off-street parking.
- 13) A Convenience Storage use on Tracts 3, 4, and 5 shall have a 25-foot vegetative buffer fronting Parmer Lane. Except for driveways, sidewalks, signage, and improvements relating to utility service (including underground water and wastewater pipes, electrical lines, gas lines, and any other public utility lines) and additional landscaping (including irrigation), no development shall be permitted within the vegetative buffer.
- 14) A Convenience Storage use on Tracts 3, 4, and 5 shall have a minimum of a seventy-five (75) foot setback from Parmer Lane.

Prior to construction on Tract 5 in this PUD, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount established by the regional detention plans approved by the City of Austin, except that run-off in excess of the amount established for the regional detention system shall be detained by the use of on-site ponding or other approved methods. Regional Stormwater Management Program participation fees must be paid to the City of Austin prior to issuance of any development permit(s) for Tract 5.

**PROPERTY OWNER:** Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger)

**AGENT:** McLean & Howard, L.L.P. (William P. McLean)

**ISSUES:**

After the first reading of this case at City Council, the applicant discovered what appears to be a clerical error on the Land Use Plan document. The stated Floor-to-Area Ratio (F.A.R.) of Tracts 3 and 4 on the Land Use Plan show 0.08 and 0.06 respectively. The staff agrees that this was a clerical error on the original plan document and that the F.A.R. for such tracts should instead be 0.8 and 0.6. It is clear from the rest of the PUD that the applicant had intended to do a project that would utilize more of the site than would be allowed with such low floor-to-area ratio limits. The development intensities (impervious cover limits and permitted uses) as contemplated in Parts 4A, 11A and 11B and the Land Use Plan indicate an intent to use more of the site than the stated F.A.R.'s would allow. In addition, the original intent of the PUD was to have most of the density for the overall PUD to be concentrated on Tracts 3 and 4. Therefore, the staff has recommended that the applicant correct the F.A.R. amounts on the land use plan and note the clerical error correction as part of this PUD amendment.

**DEPARTMENT COMMENTS:**

The property in question is undeveloped. Tracts 3 & 4 of the PUD recently contained a single-family residence with amenities. The structure was removed last year before the City of Austin began construction on a regional detention facility on Tract 2. The applicant is requesting an amendment to the existing PUD to develop a Convenience Storage (mini-storage) use on Tracts 3, 4, and the proposed Tract 5 of the PUD. The staff recommends the applicant's request for amendments to the Parmer/Walnut Creek PUD because the proposed amendments will not alter the overall benefits or intent of the PUD development. The amendments will permit the Convenience Storage use, with limitations, while prohibiting additional traffic generating uses on these tracts. The proposed amendments to the Parmer/Walnut Creek PUD will result in a superior

development than that which could have occurred using conventional zoning and subdivision regulations, because the creation of a new Tract 5 will allow for additional access from N. Lamar Boulevard to the Tracts 3 and 4. The proposed Convenience Storage use on Tracts 3, 4, and 5 will generate less vehicle traffic than some of the original uses that were allowed on these tracts. The applicant has also proposed to utilize Conditional Use Design Standards for the design of the requested Convenience Storage use.

The applicant agrees with the City Council's recommendation at first reading.

**DATE OF FIRST READING/VOTE:** June 23, 2005/ Approved PUD Amendment #2 by consent (7-0); 1<sup>st</sup> reading only

**CITY COUNCIL DATE:** August 18, 2005

**CITY COUNCIL ACTION:**

**STAFF:** Sherri Sirwaitis

**PHONE:** 974-3057

sherri.sirwaitis@ci.austin.tx.us

**ZONING CHANGE REVIEW SHEET**

**CASE:** C814-01-0038.02

**Z.A.P. DATE:** January 4, 2005  
February 1, 2005  
February 15, 2005  
March 1, 2005

**ADDRESS:** 1200-1210 West Parmer Lane

**APPLICANT/OWNER:** Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger)

**AGENT:** McLean & Howard, L.L.P. (William P. McLean)

**ZONING FROM:** GR, PUD    **TO:** PUD    **AREA:** Tracts 3, 4, and new Tract 5 =  
5.083 acres

The applicant is requesting amendments to the Parmer/Walnut Creek Planned Unit Development to change the following conditions of the PUD zoning (Request Letter-Attachment A):

- 1) Incorporate a 1.792 acre tract (proposed "Tract 5"), which is currently zoned GR, into the existing PUD;
- 2) On the new Tract 5, allow GR, Community Commercial District, development standards;
- 3) Add Convenience Storage as a permitted use for Tracts 3, 4, and 5 of the PUD;
- 4) Allow GR, Community Commercial District, uses for Tracts 3, 4, and 5, except for (prohibit) the following uses:
  - a) Automotive Rentals
  - b) Automotive Repair Services
  - c) Automotive Sales
  - d) Automotive Washing (of any type)
  - e) Bail Bond Services
  - f) Congregate Living
  - g) Consumer Repair Services
  - h) Exterminating Services
  - i) Funeral Services
  - j) Off-Site Accessory Parking
  - k) Pawn Shop Services
  - l) Pet Services
  - m) Stables
  - n) Theater
  - o) Residential Treatment
  - p) Urban Farm
- 5) Incorporate Design Standards for the proposed Convenience Storage use on Tracts 3, 4, and 5.\*

\*On January 20, 2005, the staff received a letter (Attachment C) from the new agent for the case, Bill McLean, seeking to clarify some discrepancies between the zoning request conditions (listed in Attachment A) and the private restrictive covenant that the applicant has agreed to with the neighborhood. In this letter, the applicant asked to amend the proposed height for Convenience Storage uses on Tracts 3, 4, and 5 to no more than 42 feet. The applicant has also requested to amend the proposed fencing conditions in described in Attachment A to state that a Convenience Storage use will be fenced along the north, property

line of Tracts 3, 4, and 5, along the south property line of Tract 5, and along the east property line of Tract 4.

After conferring with staff, the applicant amended the requested height for the proposed Convenience Storage use on Tracts 3, 4, and 5 to no more than 38 feet. A new provision in the Land Development Code for height limit exceptions would allow the applicant to exceed a zoning district height by 15 % for the development of ornamental towers [LDC- Sec. 25-2-531]. The applicant is requesting additional height for Tracts 3, 4, and 5 to accommodate decorative (non occupied) corner towers on the proposed self-storage facility (Exhibit-Attachment D).

On April 15, 2005, the applicant submitted an amendment to the PUD request asking to allow for the construction of sidewalks within the proposed 25-foot vegetative buffer strip along Parmer Lane (Attachment E- Part 4). The applicant states that he needs this change to comply with ADA standards on the site.

#### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the proposed amendments and the addition of 1.792 acres (proposed 'Tract 5') to the Parmer/Walnut Creek Planned Unit Development. The staff's recommendation includes the following conditions:

- 1) The development should be limited through a conditional overlay to less than 2,000 vehicle trips per day for Tracts 2-5. [LDC, 25-6-117]
- 2) Tract 1 is limited to 630 vpd as established with the original zoning and prior amendments to the zoning of the property.
- 3) The applicant is required to post their pro rata share of an eastbound through lane on Parmer Lane at the Lamar Boulevard intersection prior to approval of any site plans on this property (Tracts 1-5).
- 4) The following notes should be added to the PUD Land Use Plan in regards to the addition of Tract 5:

"Prior to construction on Tract 5 in this PUD, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount established by the regional detention plans approved by the City of Austin, except that run-off in excess of the amount established for the regional detention system shall be detained by the use of on-site ponding or other approved methods.

Regional Stormwater Management Program participation fees must be paid to the City of Austin prior to issuance of any development permit(s) for Tract 5."

In regards to item #5 in the applicant's request listed above, the "Proposed Standards for Convenience Storage Use", the staff has no recommendation on 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), and 6. These conditions cannot be placed in a zoning ordinance (not referenced in the Code) and would need to be set out in a private restrictive covenant agreement between the applicant and the neighborhood. In addition, the staff recommends the applicant's request to allow for the construction of sidewalks within the proposed 25-foot vegetative buffer strip along Parmer Lane (per the request in Attachment E – Part 4).

## **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

1/04/05: Postponed to February 1, 2005 by staff (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

2/01/05: Postponed to February 15, 2005 by applicant and staff (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

2/15/05: Postponed to March 1, 2005 by staff (8-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

3/01/05: Approved staff's recommendation of PUD zoning by consent (8-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

## **ISSUES:**

As the applicant was redlining the Parmer/Walnut Creek PUD Land Use Plan to show the final amendment request for this case they discovered what appears to be a clerical error on the Land Use Plan document. The stated Floor-to-Area Ratio (F.A.R.) of Tracts 3 and 4 on the Land Use Plan show 0.08 and 0.06 respectively. The staff agrees that this was a clerical error on the original plan document and that the F.A.R. for such tracts should instead be 0.8 and 0.6. It is clear from the rest of the PUD that the applicant had intended to do a project that would utilize more of the site than would be allowed with such low floor-to-area ratio limits. The development intensities (impervious cover limits and permitted uses) as contemplated in Parts 4A, 11A and 11B and the Land Use Plan indicate an intent to use more of the site than the stated F.A.R.'s would allow. In addition, the original intent of the PUD was to have most of the density for the overall PUD to be concentrated on Tracts 3 and 4. Therefore, the staff has recommended that the applicant correct the F.A.R. amounts on the land use plan and note the clerical error correction as part of this PUD amendment.

On April 22, 2005, the applicant amended this PUD rezoning case to request several variances (PUD Amendment Request Letter-Attachment E). As a result of this amendment, the staff re-noticed the case for new public hearings at Zoning and Platting Commission and at City Council. Recently, however, the applicant met with members of the environmental staff and determined that he no longer needs these variances because of conditions on the site that developed through the construction of the city Walnut Creek detention facility on Tract 2 of the PUD (Applicant's Letter-Attachment F). Therefore, the staff is bringing the original PUD rezoning request back to the Council for action on June 23, 2005.

## **DEPARTMENT COMMENTS:**

The property in question is undeveloped. Tracts 3 & 4 of the PUD recently contained a single-family residence with amenities. The structure was removed last year before the City of Austin began construction on a regional detention facility on Tract 2. The applicant is requesting an amendment to the existing PUD to develop a Convenience Storage (mini-storage) use on Tracts 3, 4, and the proposed Tract 5 of the PUD. The staff recommends the applicant's request for amendments to the Parmer/Walnut Creek PUD because the proposed amendments will not alter the overall benefits or intent of the PUD development. The amendments will permit the Convenience Storage use, with limitations, while prohibiting additional traffic generating uses on these tracts. The proposed amendments to the Parmer/Walnut Creek PUD will result in a superior development than that which could have occurred using conventional zoning and subdivision regulations, because the creation of a new Tract 5 will allow for additional access from N. Lamar Boulevard to the Tracts 3 and 4. The proposed Convenience Storage use on Tracts 3, 4, and 5 will generate less vehicle traffic than some of the original uses that were allowed on these tracts.

The applicant has also proposed to utilize Conditional Use Design Standards for the design of the requested Convenience Storage use.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	PUD, GR	Undeveloped Area, Service Station/Convenience Store
<i>North</i>	MF-2-CO	Undeveloped, Single Family Residence
<i>South</i>	SF-1, GR	Single-Family Residential Neighborhood, Service Station/Convenience Store
<i>East</i>	GR-CO	Retail Sales (Walmart)
<i>West</i>	PUD	Detention Facility (under construction), Undeveloped

**AREA STUDY:** North Lamar Area Study

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 287 - North Lamar- IH 35 Association
- 480 - Scofield Farms Residents Association
- 902 - Scofield Residential Owners Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-01-0038.01	PUD to PUD	8/3/04: Approved staff's recommendation of PUD zoning; with conditions that apply from the agreement between applicant & neighborhood by consent (8-0, J.P. - Absent)	8/26/04: Postponed by Neighborhood to 9/30/04
C814-01-0038	SF-6, RR, LO to PUD	10/30/01: Approved staff's rec. of PUD zoning with conditions of: 1. No structures within 100' of the west property line; 2. No access from Dapplegrey Lane, except for emergency vehicles when needed; 3. Impervious cover of 53% for Tract 1 (Lot 1)	11/29/01: Approved PUD zoning with clarification that parking and carports are allowed within the 100' buffer along the west property line (7-0), 1 <sup>st</sup> reading.  8/8/02: Approved 2 <sup>nd</sup> reading with the following modified conditions (7-0): 1) One-story carport and/or garages shall be allowed within

		<p>4. Include Environmental Board's Recommendation, with the exception of impervious cover for Tract 1 (8-0, N. Spelman- absent)</p>	<p>100-feet, but not closer than 50 feet, from the western property line of Tract 1. Architectural guidelines contained within the Scofield Farms Neighborhood Homeowners Association shall apply to the construction of garages.</p> <p>2) The deletion of the Environmental Board's requirement that a certificate of occupancy not be issued for Tract 1 until construction of the flood/erosion control pond is completed.</p> <p>3) The proposal by the applicant to allow SF-6, Townhouse &amp; Condominium Residence, zoning district uses to the permitted uses for Tract 1, with a unit limit of 80 townhomes/or single- family detached.</p> <p>4) An increased trip limit of 2,500 vehicle trips for the entire Parmer/Walnut Creek PUD to satisfy current requirements for Tracts 2, 3, and 4 and to account for the inclusion of the SF-6; townhouse/or single-family detached uses on Tract 1, without the requirement of a Traffic Impact Analysis (TIA).</p> <p>5) To redefine the transfer process for the dedication of Tract 2 to the City of Austin so that the entire dedication of this portion of land does not need to be made with the PUD approval at third reading. The timing of the conveyance of Tract 2 of the PUD should be as follows: a) To dedicate the dam area of Tract 2 at the approval of zoning (before third reading of the PUD ordinance); b) The dedication of a drainage easement for the remaining portion of Tract 2 at the approval of zoning (before third reading of the PUD ordinance); c) Fee simple dedication of the drainage</p>
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			easement on the Perry property, at the eastern side of Tract 2, before subdivision (final plat) approval; d) Fee simple dedication of the drainage easement on the Schofield/Chilek property, at the northwestern side of Tract 2, before site plan approval.  4/24/03: Approved (6-0-1, Garcia-absent); 3 <sup>rd</sup> reading
C14-01-0085	GO to GR	6/26/01: Approved staff rec. of GR-CO by consent (7-0)	8/2/01: Approved Planning Commission's rec. of GR-CO by consent on all 3 readings (6-0)
C14-99-2137	I-RR to MF-3	5/9/00: Approved staff rec. of MF-3-CO, limited to 458 units, by consent (8-0)	6/8/00: Approved MF-3-CO (TR1) and RR (TR2) as rec. by PC on 1 <sup>st</sup> reading (7-0)  6/29/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0)
C14-96-0008	DR to RR, MF-2-CO	3/5/96: Approved MF-2-CO, RR subject to engineering study	3/28/96: Approved MF-2-CO (TR1), RR (TR2-floodplain area); (5-0); all 3 readings
C14-91-0086	LR, GR, P to GR, LR SF-6 to SF-2, P MF-3 to MF-1	11/26/91: Approved GR, LR, SF-6, MF-1, LO, MF-3, MF-1, SF-2, P	12/19/91: Approved GR, LR, SF-6, MF-1, LO, SF-6, MF-3, SF-2, P; all 3 readings

**RELATED CASES:** C814-01-0038.01

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Blvd.	120'	Varies	Major Arterial	N/A
Parmer Lane	150'	2@50'	Major Arterial	33,000 ('97)

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057  
sherri.sirwaitis@ci.austin.tx.us

**CITY COUNCIL DATE:** April 7, 2005

**ACTION:** Postponed to June 9, 2005 at the applicant's request (7-0)

June 9, 2005

**ACTION:** Postponed to June 23, 2005 at the staff's request for re-notification (6-0, McCracken-off dias)

June 23, 2005

**ACTION:** Approved PUD Amendment  
#2 by consent (7-0); 1<sup>st</sup> reading only

August 18, 2005

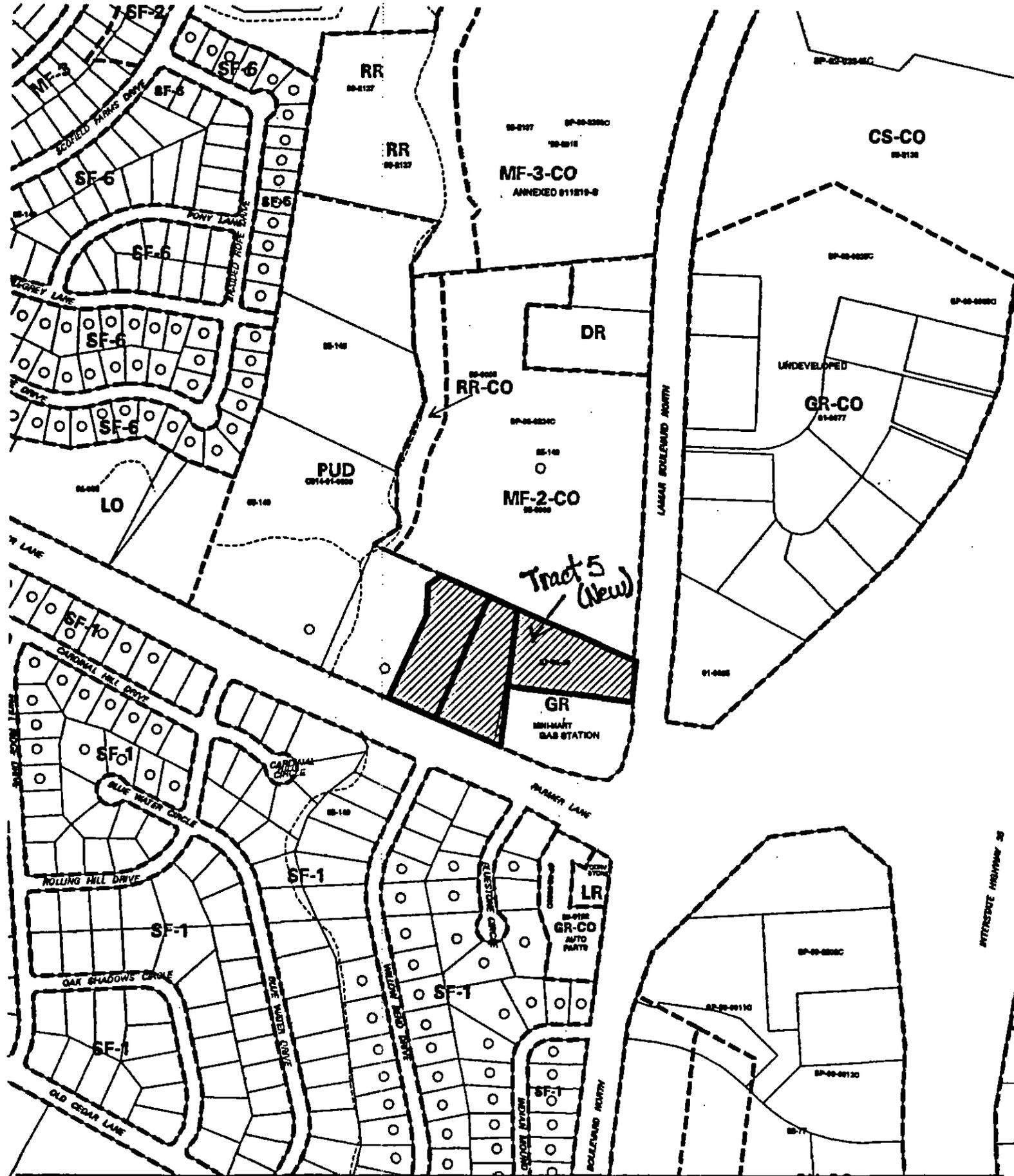
**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 6/23/05

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**



 1" = 400'	SUBJECT TRACT 	<b>PLANNED UNIT DEVELOPMENT</b> <b>CASE #: C814-01-0038.02</b> <b>ADDRESS: 1200-1210 W PARMER LANE</b> <b>SUBJECT AREA (acres): 21.808</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>M34</b>	
	PENDING CASE 			
	ZONING BOUNDARY 			<b>DATE: 04-07</b>
	CASE MGR: B. GAGER			<b>INTLS: SM</b>



## **STAFF RECOMMENDATION**

The staff's recommendation is to grant the proposed amendments and the addition of 1.792 acres (proposed "Tract 5") to the Parmer/Walnut Creek Planned Unit Development. The staff's recommendation includes the following conditions:

- 1) The development should be limited through a conditional overlay to less than 2,000 vehicle trips per day for Tracts 2-5. [LDC, 25-6-117]
- 2) Tract 1 is limited to 630 vpd as established with the original zoning and prior amendments to the zoning of the property.
- 3) The applicant is required to post their pro rata share of an eastbound through lane on Parmer Lane at the Lamar Boulevard intersection prior to approval of any site plans on this property (Tracts 1-5).
- 4) The following notes should be added to the PUD Land Use Plan in regards to the addition of Tract 5:

"Prior to construction on Tract 5 in this PUD, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount established by the regional detention plans approved by the City of Austin, except that run-off in excess of the amount established for the regional detention system shall be detained by the use of on-site ponding or other approved methods.

Regional Stormwater Management Program participation fees must be paid to the City of Austin prior to issuance of any development permit(s) for Tract 5."

In regards to item #5 in the applicant's request listed above, the "Proposed Standards for Convenience Storage Use", the staff has no recommendation on 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), and 6. These conditions cannot be placed in a zoning ordinance (not referenced in the Code) and would need to be set out in a private restrictive covenant agreement between the applicant and the neighborhood.

## **BASIS FOR RECOMMENDATION**

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The Parmer/Walnut Creek PUD has a mixture of residential and commercial, with open space/ dedicated land to be utilized by the City of Austin for the development of a regional water quality and storm-water detention facility.

The proposed amendments to the Parmer/Walnut PUD will not alter the overall benefits or intent of the PUD development. The amendments will permit the Convenience Storage use, with limitations, while prohibiting additional traffic generating uses.

2. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations. PUD zoning is appropriate if the PUD enhances preservation of the natural environment; encourages high quality development and innovative design; and ensures adequate public facilities and services for development with in the PUD.*

The proposed amendments to the Parmer/Walnut Creek PUD will result in a superior development than that which could have occurred using conventional zoning and subdivision regulations, because the creation of a new Tract 5 will allow for additional access from N. Lamar Boulevard to the Tracts 3 and 4. The proposed Convenience Storage use on Tracts 3, 4, and 5 will generate less vehicle traffic than some of the original uses that were allowed on these tracts. The applicant has proposed to utilize Conditional Use Design Standards for the design of the requested Convenience Storage use.

**Zoning and Land Use**

The property in question is part of an existing PUD that consists of 20.21 acres that is located to the west of the intersection of North Lamar Boulevard and Parmer Lane. The site currently contains one single-family residence and undeveloped land. The property is heavily wooded and has a creek (Walnut Creek) that runs through the middle of it (known as Tract 2). The city is in the process of constructing a detention facility on Tract 2 of the PUD.

**Impervious Cover**

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, a portion of the site lies within the 100-year flood plain. The site also contains Critical and Transitional Water Quality Zones. No development is allowed in the Critical Water Quality Zone.

The adopted PUD has a 53% impervious cover limit on Tract 1 and a 60% impervious cover limit on Tracts 3 & 4.

**Environmental**

The site is in the Desired Development Zone in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is not located over the Edward's Aquifer Recharge Zone.

There are a large number of trees on the site, including many protected size trees. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment. Any Critical Environmental features and wetlands that are located on the site will have to be protected as per the LDC. {Sec 25-8-281 and 25-8-282}.

**Floodplain**

Provided contour information is accurate, the fully developed 100-yr floodplain should not encroach on Tract 3.

**Transportation**

Transportation staff has no objection to the proposed revision with the following condition: If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day for Tracts 2-5. [LDC, 25-6-117] Tract 1 is limited to 630 vpd as established with the original zoning and prior amendments to the zoning of the property. The applicant is required to post their pro rata share of an eastbound through lane on Parmer Lane at the Lamar Boulevard intersection prior to approval of any site plans on this property (Tracts 1-5).

There are no sidewalks along Parmer Lane or Lamar Boulevard.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Blvd.	120'	Varies	Major Arterial	N/A
Parmer Lane	150'	2@50'	Major Arterial	33,000 ('97)

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements are necessary to serve the site and land use. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria and specifications.

The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Water Quality**

This site is located on West Parmer Lane in the Walnut Creek Watershed, which is classified as a Suburban Watershed.

Provide that the conditions as outlined in the Environmental Board Motion dated September 19, 2001 be met, there is no outstanding water quality control comment.

**Drainage Construction**

This site is located on West Parmer Lane in the Walnut Creek Watershed, which is classified as a Suburban Watershed.

Provide that the conditions as outlined in the Environmental Board Motion dated September 19, 2001 be met, there is no outstanding drainage engineering comment.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Floodplain**

A portion of this site is within the 100-year floodplain as per FEMA FIRM 48453C 0115E, dated 16 June 1993 for Travis County, Texas.

### **Site Plan**

The revised land use table identifies the allowable uses for Tract 5 as "Certain GR permitted uses". Please note that this notation would NOT include Convenience Storage, since Convenience Storage is never a permitted use in the GR zoning district.

The letter states that Convenience Storage would have "superior design standards" however the design standards proposed do not seem superior to the minimum standards required for any convenience storage facility that is subject to compatibility regulations.

The proposed 25-foot vegetative buffer described in the land use plan, does not seem that significant if the developer is permitted to simply have 25-feet of lawn area between the parking/building and the street. The proposed vegetative buffer should spell out more stringent and aesthetically pleasing landscaping requirements than simply "vegetative buffer" which would be satisfied by any type of vegetation.





MICHELE R. ALLEN  
SENIOR DEVELOPMENT PLANNER

(512) 404-2251  
mra@lawdsww.com

July 13, 2004

Ms. Alice Glasco  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, TX 78704

**VIA HAND DELIVERY**

RE: Star Storage  
Amendment of the Parmer/Walnut Creek PUD - City File Number  
C814-01-0038 - Approximately 5.083 Acres (Tracts 3, 4 & 5) Located at  
1200-1210 West Parmer Lane ("Property"); Application for an  
Amendment to a Land Use Plan

Dear Alice:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit the enclosed zoning application packet. The project is titled Star Storage. The original PUD zoning was approved on April 24, 2003 (Zoning Ordinance 030424-30). A copy of the zoning ordinance is enclosed for your review. In accordance with Section 25-2-403, the requested rezoning is considered an amendment to the Land Use Plan that requires a rezoning. The proposed amendment affects only Tracts 3, 4 and a new proposed Tract 5. Tracts 1 and 2 are not affected by this amendment. At this time, the Property is undeveloped. The prospective owner intends to develop the Property with convenience storage.

The proposed amendments to the Land Use Plan and Zoning Ordinance are included in the attached documents. The following is a summary of the proposed amendments:

- 1) Incorporate a 1.792 acre tract "Tract 5", which is currently zoned GR (Amend Ordinance Parts 5 and 11 and Exhibit D);
- 2) Add Convenience Storage as Permitted Use for Tracts 3, 4 & 5 (Amend Ordinance Part 11B);
- 3) Remove 16 Permitted Uses (Amend Ordinance Part 11B);
- 4) Incorporate Design Standards for Convenience Storage Use (Amend Ordinance and Exhibit D).

The proposed amendment allows for a superior development in that: 1) Tract 2 (9.248 acres) was donated to the City of Austin with the original PUD zoning and allows for the construction of the Parmer/Walnut Creek Regional Detention Facility to service not only the Property, but the entire region; 2) the proposed amendment will incorporate and apply restrictions to a GR tract that currently has no restrictions to be known as "Tract 5"; 3) the amendment allows for the construction of Convenience Storage, which generates significantly reduced vehicle trips per day; 4) the

Ms. Alice Glasco  
July 13, 2004  
Page 2



amendment to add an additional tract "Tract 5" allows for the Property to be serviced by an access point on Lamar Boulevard in addition to Parmer Lane; and 5) the proposed amendment will incorporate design standards, vegetative buffers and setbacks applicable to the development of a Convenience Storage use.

The proposed convenience storage development does not generate traffic that exceeds the 2,000 vehicle trips per day limit established by the existing ordinance. A Traffic Impact Analysis (TIA) Determination Form related to the limit of 2,000 vehicle trips per day is enclosed for your review.

The Property is currently undeveloped with no approved or pending subdivision or site plan applications. The engineering summary letter, which was submitted with the original PUD application (approved in 2003), is included as part of the zoning application package. The proposed amendment does not alter or revise the drainage or environmental information from the original application.

Please let me know if you or your team members require additional information or have any questions. Please keep me updated throughout the review process and when we can discuss a Zoning and Platting Commission date. Thank you for your time and attention to this project.

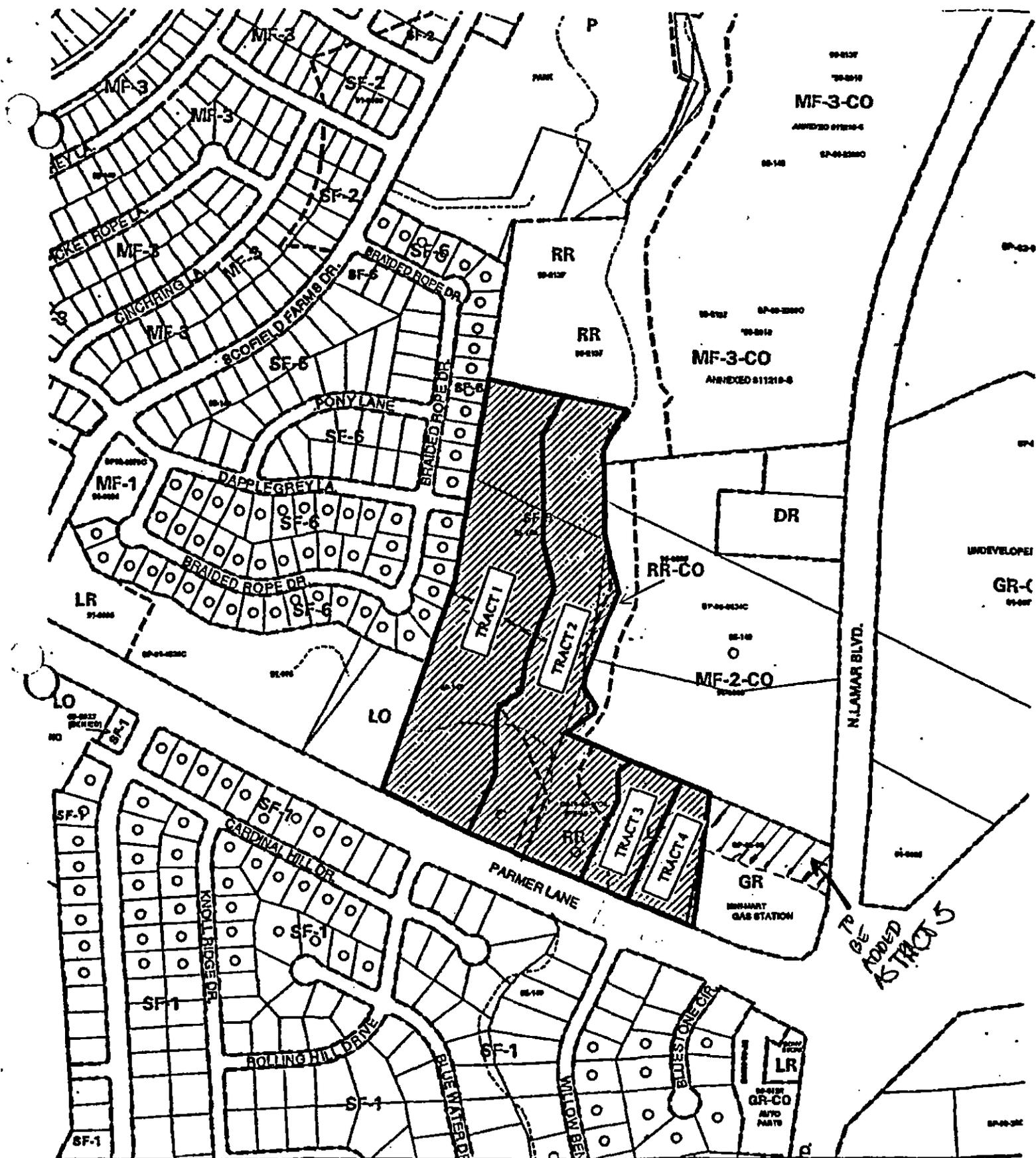
Very truly yours,

A handwritten signature in cursive script that reads "Michele R. Allen".

Michele Rogerson Allen

Enclosures

- cc: Greg Guernsey, Neighborhood Planning and Zoning Department (*via hand delivery with enclosures*)
- Sherri Gager, Neighborhood Planning and Zoning Department (*via hand delivery with enclosures*)
- James Carter, Star Storage (*via regular mail with enclosures*)
- Augie Valdez, Stutzman, Bromberg, Esserman & Plifka (*via regular mail with enclosures*)
- Edgar and Linda Perry (*via regular mail with enclosures*)
- Sandra L. Heysinger, Exxon Mobil Corporation (*via regular mail with enclosures*)
- K.C. Willis, The Willis Company (*via hand delivery with enclosures*)
- John Sanford, (*via regular mail with enclosures*)
- Jim Knight and Danielle Simmers, Bury + Partners, via facsimile (512) 328-0325 (*without enclosures*)
- Steven C. Metcalfe, Firm



10-0107  
10-0110  
**MF-3-CO**  
ANNEXED 011210-6  
00-148 02-00-0000

10-0107 02-00-0000  
10-0110  
**MF-3-CO**  
ANNEXED 011210-6

RR-CO  
02-00-0000  
00-148  
**MF-2-CO**

GR  
PRIMARY GAS STATION

  
**SUBJECT TRACT**   
**PENDING CASE**   
**ZONING BOUNDARY**   
**CASE MGR: SGAGER**

**PLANNED UNIT DEVELOPMENT** *EXHIBIT B*  
**CASE #: C814-01-0038**  
**ADDRESS: 1200 BLK OF PARKER LA.**  
**SUBJECT AREA (acres): 21.808**  
**DATE: 02-07**  
**INTLS: 6M**

**CITY GRID REFERENCE NUMBER**  
**M34**

1" = 400'

# **Star Storage**

## **Proposed Amendment to the Parmer/Walnut Creek PUD Land Use Plan and Development Regulations**

### **Amended Land Use Plan Exhibit D and Amendments to Zoning Ordinance**

**City File Number C814-01-0038.02**

**Amendment to Zoning Ordinance 030424-30**

**Part 5 (Page 2 of 6)**

- Add vehicle trips per day limit for proposed Tract 5

**Part 11B (Pages 4 & 5 of 6)**

- Add Tract 5
- Add Convenience Storage to the permitted uses table

**Part 11B (Pages 4 & 5 of 6)**

- Add Tract 5
- Remove the following uses from the permitted uses table:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Exterminating services
Consumer repair services	Funeral services
Pet services	Off-site accessory parking
Pawn shop services	Stables
Theater	Congregate Living
Residential Treatment	Urban Farm

**NEW**

- Add Field Notes for Tract 5.
- Add GR Development Standards for Tract 5
- Add Proposed Design Standards for Development of Convenience Storage Use on Tracts 3, 4 & 5

**Amendment to Exhibit D: Land Use Plan**

**Sheet 1 – Site Area & Proposed Development Table Amended**

Land Use	Area	Impervious Cover	Percent	F.A.R.	Building Height
Tract 3 Certain GR Permitted Uses					
Tract 4 Certain GR Permitted Uses					
Tract 5 Certain GR Permitted Uses	1.792 AC	1.43 AC	80%	1	35 FT

**Sheet 1 – Parking Table Amended**

	Proposed Project	Parking Provided
Tracts #3 & #4	Certain GR Permitted Uses	
Tract 5	Certain GR Permitted Uses	65

**New Sheet 2 – Revisions to Tracts 3 & 4 and Addition of Tract 5**

- 1) Tracts 3 & 4 moved from Sheet 1 to Sheet 2
- 2) Proposed Tract 5 added to Sheet 2
- 3) "Retail Development" revised to "Commercial Development" for Tracts 3, 4 & 5

**STAR OF TEXAS  
PARMER AND LAMAR PROJECT**

**PROPOSED STANDARDS FOR CONVENIENCE STORAGE USE**

1. **Access.** The Project will be designed in such a manner that permits vehicular access from both Parmer Lane and North Lamar Boulevard.
2. **Lighting.** All outdoor lighting fixtures shall be hooded, shielded, or screened to minimize glare and light trespass to the surrounding neighborhood.
3. **Architectural/Design Standards.** The following architectural standards shall apply to the entire Project:
  - (a) No building shall exceed thirty-five (35) feet in height;
  - (b) The Project shall be permitted flat roofs provided that segments of the front elevation and side elevation shall include architectural elements such that the roof line of a building is not 100% horizontal. Such elements may be non-structural, decorative features, and may include pitched awnings, cupolas, or covers and shutters over doors and windows, provided that some portion of such pitched element extends above the horizontal portion of the roof line;
  - (c) The Project shall incorporate masonry building materials (which may include brick, stone, stucco or other similar masonry products) into the facade of the building(s) in earthen tone colors in order to add architectural interest and contribute to the aesthetic quality of the Project;
  - (d) The Project shall provide for a minimum of eighty percent (80%) of the units to be accessed internally as defined by access to units via interior stairwells and elevators;
  - (e) The Project shall include a minimum of sixty percent (60%) of climate-controlled air conditioned units;
  - (f) The Project shall be gated and fenced around the perimeter, shall have security cameras, and access to the facility shall be controlled with cards, codes or a similar method; and
  - (g) No roll up bay doors shall be permitted to face the surrounding neighborhoods, unless such doors are reasonably screened by another building, decorative fencing, berms, or landscaping located on the Project.

(h) Notwithstanding the allowable floor-to-area ratio (FAR) on the approved Planned Unit Development (PUD) plan, the cumulative FAR for Tracts 3, 4 and 5 will not exceed .7:1.

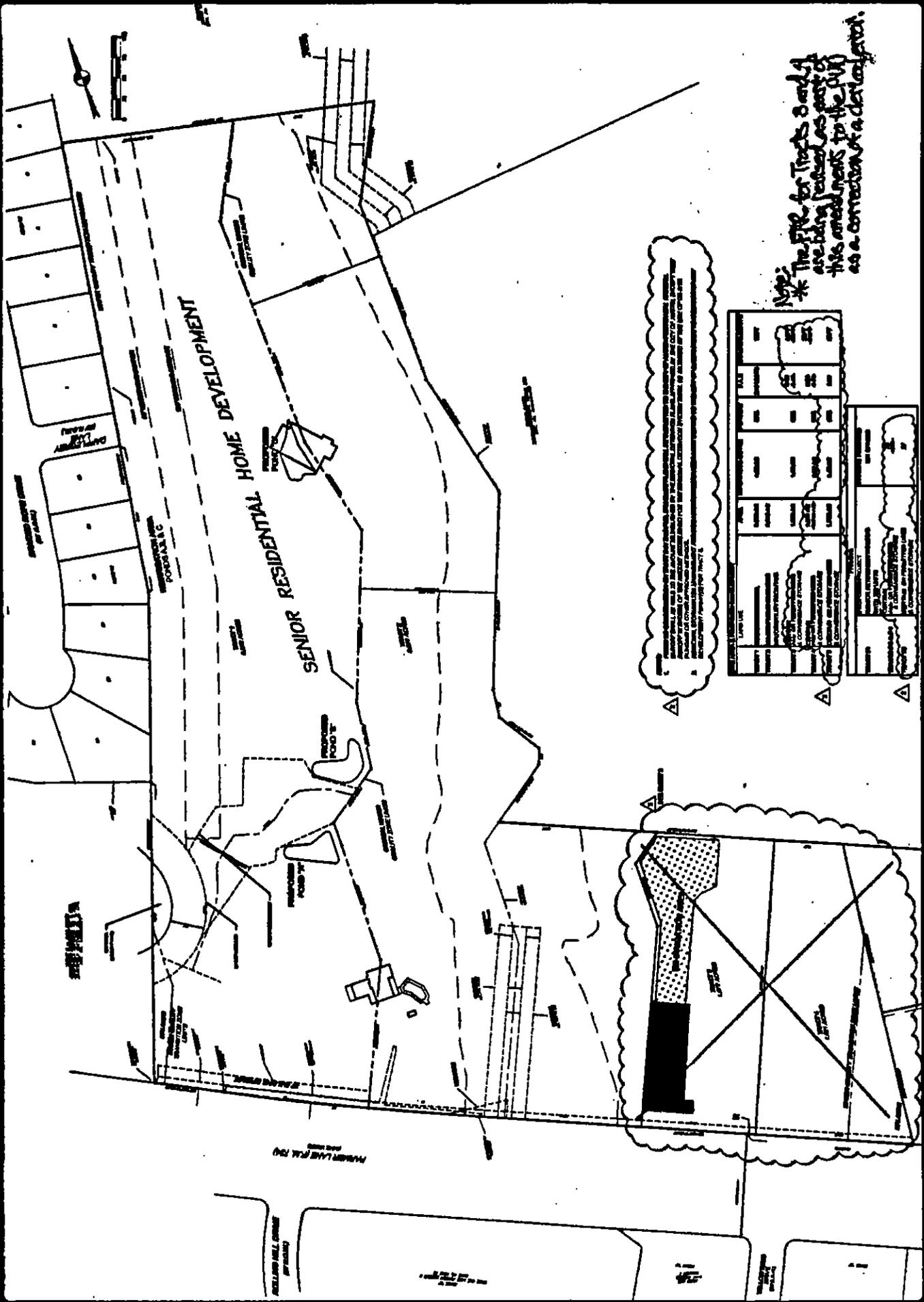
(i) Notwithstanding the allowable parking provided on the approved PUD plan, the cumulative parking required for Tracts 3, 4 and 5 will not exceed the minimum City of Austin Code requirements for off-street parking.

4. Vegetative Buffer Strips. The Project shall have a 25-foot vegetative buffer strip fronting Parmer Lane (the "Buffer Strip"). Except for driveways, signage, and improvements relating to utility service and additional landscaping (including irrigation), no development shall be permitted in the Buffer Strip. The phrase "utility service" shall mean underground water and wastewater pipes, electrical lines, gas lines and any other public utility lines.

5. Setbacks. The building(s) in the Project shall have a minimum of 75-foot setback from Parmer Lane.

6. On-Site Management. A manager shall live on site within the Project.

DATE	DESCRIPTION



THESE ARE THE PROPOSED LOTS AND ARE SUBJECT TO THE FINAL LAYOUT AND DESIGN OF THE DEVELOPMENT. THE LOTS ARE NOT TO BE CONSIDERED AS INDIVIDUAL PLOTS OF LAND. THE LOTS ARE TO BE DEVELOPED AS A SINGLE UNIT AND ARE NOT TO BE SEPARATED OR SUBDIVIDED. THE LOTS ARE TO BE DEVELOPED IN ACCORDANCE WITH THE DEVELOPMENT PLAN AND THE ZONING ORDINANCES OF THE CITY OF DENVER.

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)	USE
1	10,000	0.23	RESIDENTIAL
2	10,000	0.23	RESIDENTIAL
3	10,000	0.23	RESIDENTIAL
4	10,000	0.23	RESIDENTIAL
5	10,000	0.23	RESIDENTIAL
6	10,000	0.23	RESIDENTIAL
7	10,000	0.23	RESIDENTIAL
8	10,000	0.23	RESIDENTIAL
9	10,000	0.23	RESIDENTIAL
10	10,000	0.23	RESIDENTIAL
11	10,000	0.23	RESIDENTIAL
12	10,000	0.23	RESIDENTIAL
13	10,000	0.23	RESIDENTIAL
14	10,000	0.23	RESIDENTIAL
15	10,000	0.23	RESIDENTIAL
16	10,000	0.23	RESIDENTIAL
17	10,000	0.23	RESIDENTIAL
18	10,000	0.23	RESIDENTIAL
19	10,000	0.23	RESIDENTIAL
20	10,000	0.23	RESIDENTIAL
21	10,000	0.23	RESIDENTIAL
22	10,000	0.23	RESIDENTIAL
23	10,000	0.23	RESIDENTIAL
24	10,000	0.23	RESIDENTIAL
25	10,000	0.23	RESIDENTIAL
26	10,000	0.23	RESIDENTIAL
27	10,000	0.23	RESIDENTIAL
28	10,000	0.23	RESIDENTIAL
29	10,000	0.23	RESIDENTIAL
30	10,000	0.23	RESIDENTIAL
31	10,000	0.23	RESIDENTIAL
32	10,000	0.23	RESIDENTIAL
33	10,000	0.23	RESIDENTIAL
34	10,000	0.23	RESIDENTIAL
35	10,000	0.23	RESIDENTIAL
36	10,000	0.23	RESIDENTIAL
37	10,000	0.23	RESIDENTIAL
38	10,000	0.23	RESIDENTIAL
39	10,000	0.23	RESIDENTIAL
40	10,000	0.23	RESIDENTIAL
41	10,000	0.23	RESIDENTIAL
42	10,000	0.23	RESIDENTIAL
43	10,000	0.23	RESIDENTIAL
44	10,000	0.23	RESIDENTIAL
45	10,000	0.23	RESIDENTIAL
46	10,000	0.23	RESIDENTIAL
47	10,000	0.23	RESIDENTIAL
48	10,000	0.23	RESIDENTIAL
49	10,000	0.23	RESIDENTIAL
50	10,000	0.23	RESIDENTIAL

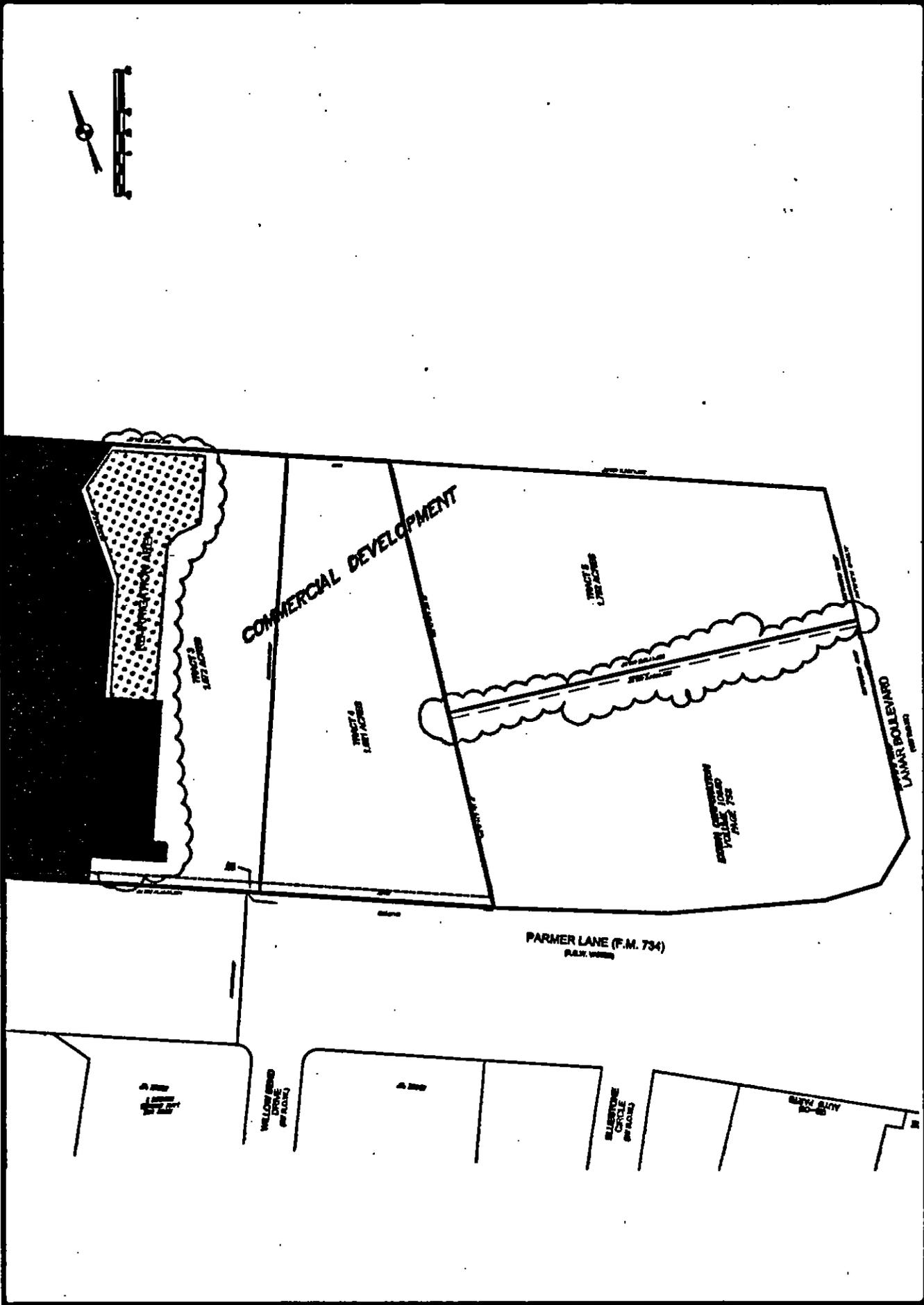
Note: The PUD for Tracts B and C are being revised as part of this amendment to the PUD as a condition of a development.



**PARMER / WALNUT CREEK  
PLANNED UNIT DEVELOPMENT  
LAND USE PLAN**

**PAPER-DAWSON  
ENGINEERS**  
1500-0000 & 0000-0000  
1500-0000 & 0000-0000

SCALE  
1" = 100'



**M&H**

McLEAN &amp; HOWARD, L.L.P.

**FILE COPY****Attachment C**1004 Mopac Circle  
Suite 100  
Austin, TX. 78746  
phone 512.328.2008  
fax 512.328.2409  
www.mcleanhowardlaw.com

January 13, 2005

Ms. Sherri Gager  
City of Austin  
505 Barton Springs  
Austin, TX 78701Via Facsimile 974-6034Re: Amendment of Parmer/Walnut Creek PUD -- City File Number C814-01-0038.02  
-- Approximately 5.083 Acres (Tracts 3, 4 & 5) located at 1200-1210 West Parmer  
Lane ("Property")

Dear Sherri:

It has come to our attention that a few discrepancies exist between the site development guidelines that are part of the above-referenced case and our client's proposed site design as worked out with the various neighborhood groups. We are entering into a Restrictive Covenant with the neighborhood and the following changes would make the zoning, as recommended by staff, mirror the Restrictive Covenant, which is our preference. Please note the following discrepancies;

1. In the Attachment A to the staff backup, "Proposed Standards for Convenience Storage Use", paragraph 3(a) reads, "No building shall exceed thirty-five (35) feet in height". Our preference is to keep the 35 foot building height, with the exception that any Convenience Storage building constructed on the Property shall not exceed forty-two feet (42) in height. The building itself would have a height of thirty-five (35) feet with no more than forty-two (42) feet at the building corner towers.
2. In the Attachment A to the staff backup, "Proposed Standards for Convenience Storage Use", paragraph 3(f) reads, "The Project shall be gated and fenced around the perimeter....." and our preference is to provide that the project be fenced (i) along the north property line of Tracts 3, 4 & 5, (ii) along the south property line of Tract 5 and (iii) along the east property line of Tract 4.

Please let me know if it is possible to change staff recommendation accordingly.

Also, Part 14 of the original PUD Ordinance No. 030424-30 allows for all tracts within the PUD to meet the onsite detention requirements through regional detention. I would appreciate it if you would please confirm whether Tract 5, which is proposed to be added to the PUD, will be permitted to employ regional detention as well.

Thank you for your attention to this matter and I look forward to hearing back from you.

Sincerely,



William P. McLean

cc: Kenny Hill

# M&H

McLEAN & HOWARD, L.L.P.

1004 Mopac Circle  
Suite 100  
Austin, TX. 78746  
phone 512.328.2008  
fax 512.328.2409  
www.mcleashowardlaw.com

February 23, 2005

Ms. Sherri Sirwaitis  
City of Austin  
505 Barton Springs  
Austin, TX 78701

Via Facsimile 974-6054

Re: Amendment of Parmer/Walnut Creek PUD - City File Number C814-01-0038.02  
- Approximately 5.083 Acres (Tracts 3, 4 & 5) located at 1200-1210 West Parmer  
Lane ("Property")

Dear Sherri:

Per our previous conversations, we are seeking to revise the height limit for Convenience Storage to 38 feet for Tracts 3, 4, and 5 instead of the 42 feet requested previously.

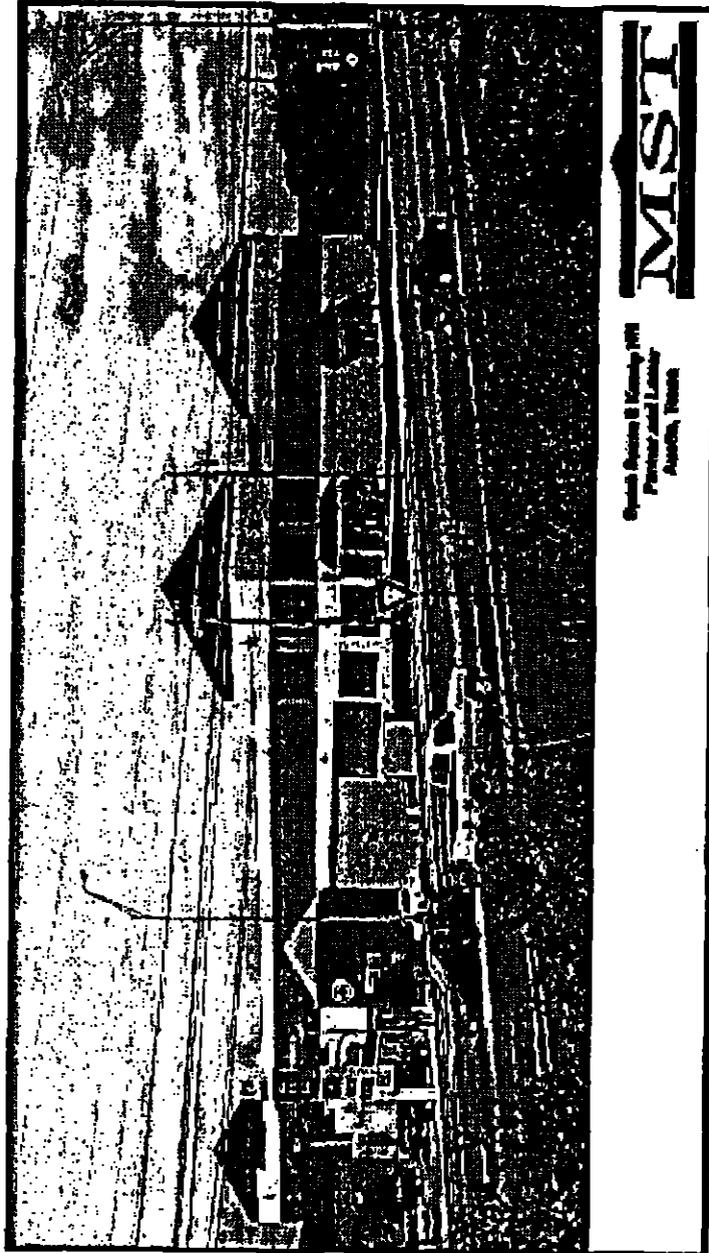
Thank you for your attention to this matter and I look forward to hearing back from you.

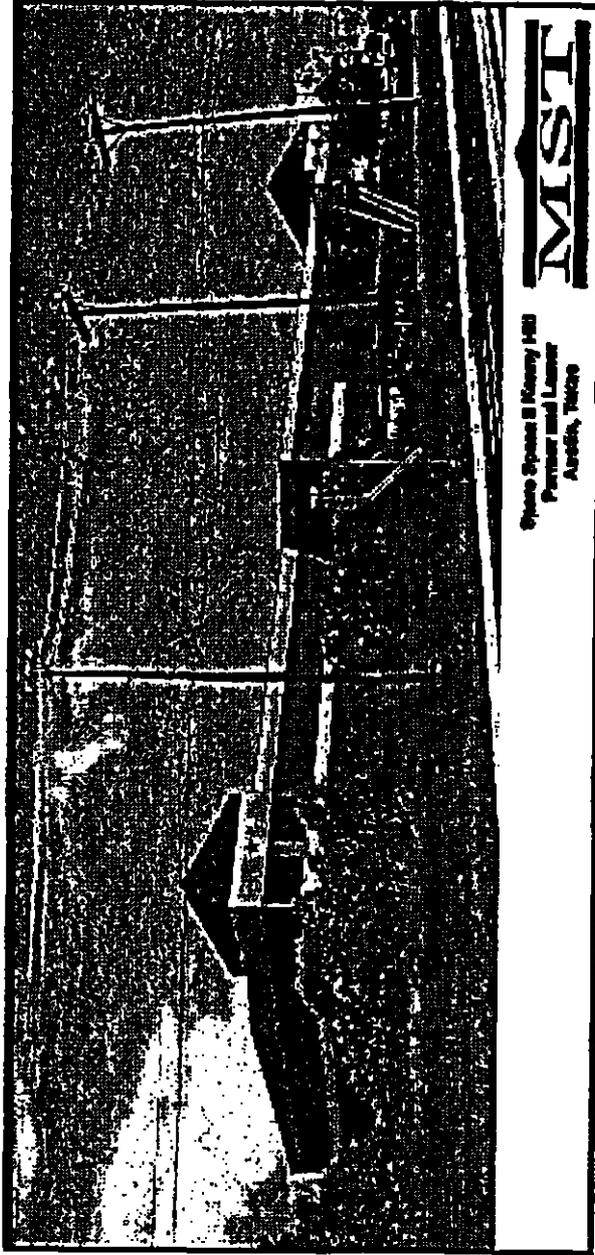
Sincerely,



William F. McLean

cc: Kenny Hill





Space Space II Heavy Duty  
Printer and Laser  
Austria, Tokyo

**MST**

April 15, 2005

Ms. Sherri Sirwaitis  
City of Austin  
505 Barton Springs  
Austin, TX 78701

Via Hand Delivery

Re: Amendment of Parmer/Walnut Creek PUD – City File Number C814-01-0038.02  
– Approximately 5.083 Acres (Tracts 3, 4 & 5) located at 1200-1210 West Parmer  
Lane (“Property”)

Dear Sherri:

Per our previous conversations, I am submitting the revised Land Use Plan for the above-referenced application. Furthermore, by this letter, the Applicant is requesting the modifications listed below to the pending application to amend the PUD. Submitted herewith to further illustrate the requested modifications are: Q1 and Q2 tables for the proposed improvements on Tracts 3, 4, and 5; Site Plan\Slope Map for the proposed improvements on Tracts 3, 4, and 5; and selected pages from the site plans for the City of Austin Regional Detention Facility (the “Detention Facility”), the Exxon Station and the Our Savior Lutheran Church (the “Church”). The Church was the project located on the approximately 5 acre tract that now consists of Tract 5 and the property where the Exxon is located. The Church was demolished when the Exxon was built.

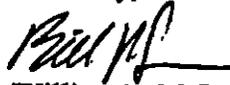
1. The Applicant seeks to have Tract 5 included in Part 4(A)(a) of the Ordinance allowing for up to 60% impervious cover in the Water Quality Transition Zone (“WQTZ”) of such tract. The justification for this variance is that the WQTZ on Tract 5 was enlarged to encroach onto Tract 5 due to the construction of the Detention Facility. This was also the case with Tracts 3 and 4 and the justification for the original variance applicable to those tracts;
2. The Applicant seeks to have a variance from Section 25-8-302(A) and (B) added to the PUD under Part 4 of the Ordinance allowing for construction of buildings, driveways and/or parking to occur on Tracts 3, 4, and 5 on slopes greater than 15% but not to exceed a maximum of 35% but only if such slopes are man-made. The variance would also allow for the impervious cover to be constructed on such slopes in the amounts referred to in the attached Q1 and Q2 tables. The variance is requested due to the man-made slopes that were part of the Detention Facility, Exxon Station and the Church. The Site Plan\Slope Map for our proposed project

locates each of the slope areas that are the subject of this variance and it identifies the project from which those slopes were constructed;

3. The Applicant seeks to have a variance to Section 25-8-42(C)(3) added to the PUD under Part 4 of the Ordinance allowing for the Director to still grant administrative variances for cut and fill up to eight feet (8') even if the cut and fill is on slopes greater than 15% but not exceeding 35% and only if such slopes are man-made. The variance is requested for the same reasons set forth in Part 2 above; and
4. In Part 4 of the Proposed Standards for Convenience Storage Use, allow for the construction of sidewalks within the Buffer Strip. In order to comply with ADA standards, we will need to be able to put sidewalks in this area due to the extension of switchbacks.

As we discussed the other day, I am hopeful that this case can be kept to the schedule set forth in your e-mail for Environmental Board, Zoning and Platting Commission and City Council. The neighborhood groups remain in support of this project and we believe that it represents a responsible, quality development for the Desired Development Zone. Thank you for the attention, hard work and accommodations you and the other staff have made on this matter. I look forward to hearing back from you.

Sincerely,



William P. McLean

cc: Kenny Hill  
Mike Wilson  
Richard Reeves  
James Bratton  
Brent Stahl

Attachment F

1094 Maple Circle  
Suite 300  
Austin, TX 78746  
Phone 512.358.3488  
Fax 512.358.3489  
www.mcleandhoward.com

**M&H**  
MCLEAN & HOWARD, L.L.P.

June 6, 2005

*Zs. Muzich*

Mr. Sheri Blawieck  
City of Austin  
505 Barton Springs  
Austin, TX 78701

Re: Amendment of Permit/Waiver Creek FUD - City File Number C814-01-0088.02  
- Approximately 5.063 Acres (Tracts 3, 4 & 5) located at 1200-1210 West Parmer  
Lane (Property)

Dear Sheri:

Per my discussions with the City's environmental staff, on behalf of Applicant, we are no longer requesting the environmental variances set forth in my letter of April 15, 2005. Specifically, we no longer need the variances set forth in Items 1, 2, and 3 of my April 15<sup>th</sup> letter.

I should have a clean copy of the Lead Use Plan with revisions to you within the next couple of days.

Thank you for the attention to this matter. Please call me with any questions.

Kennedy,  
*William P. McLean*  
William P. McLean

cc: Kenny Hill  
Chris Diehl  
Richard Reeves